

### **REMARKS**

In the office action mailed October 16, 2008, the Examiner rejected pending Claims, 1, 4-12 and 14-21 under 35 U.S.C. § 112, second paragraph. The Examiner did, however, indicate that these claims were allowable over the art of record. By this paper, the Applicant is amending the claims to correct the informalities noted by the Examiner and respectfully requests reconsideration of the above-captioned application in light of the amendments and remarks contained herein.

As an initial matter, the Applicant is amending Claim 1 to reflect that the two portions that have greater rigidity than the resiliently deformable portions are not biased apart when the resiliently deformable portion is not deformed and are biased apart when the resilient deformable portion is deformed. The resiliently deformable portion is biased towards returning to its undeformed shape as a result of its resiliency. As such, this amendment simply clarifies claim 1 and is fully supported by the disclosure in the manner described in the previous response to office action.

The Applicant has further amended Claim 1 so as to indicate that the perimeter portion has a length thereby providing antecedent support for the length of the perimeter being reduced when the resiliently deformable portion is deformed. Further, the Applicant has also amended Claim 6 to clarify that the locking member when in the locked position prevents disengagement of the lid. Further, the Applicant has also amended Claim 7 to indicate that the catch engages with the lid to prevent the resilient deformable portion from deforming. Lastly, the Applicant has also amended Claim 16 to indicate that the lid defines an uppermost surface and that the catch lies substantially flush to the uppermost surface of the lid. The Applicant notes that this is illustrated in Figure 5, 6 and 8 and that this feature is implemented so as to allow stacking of the lids as is described in paragraphs 18, 49, and 59 of the application as filed.

The Applicant believes that the claims of the above-captioned application comply with the requirements of 35 U.S.C. § 112 and are allowable over the art of record. The Applicant therefore believes the above-captioned application is in condition for allowance and requests the prompt allowance of the same. Should there be any impediment to the prompt allowance of the above-captioned application that could be resolved by a telephone conference, the Examiner is respectfully requested to call the undersigned at the number shown below.

**Application No.:** 10/815,324  
**Filing Date:** March 31, 2004

*No Disclaimers or Disavowals*

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE MARTENS, OLSON & BEAR, LLP

Dated: January 16, 2009

By: \_\_\_\_\_

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